



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

News Media Information 202 / 418-0500  
Internet: <http://www.fcc.gov>  
TTY: 1-888-835-5322

DA 15-1124  
Released: October 2, 2015

**Comment Deadlines Set for *Notice of Proposed Rulemaking* on  
Implementation of Section 103 of the STELA Reauthorization Act of 2014  
Totality of the Circumstances Test**

**MB Docket No. 15-216**

**Comment Deadline: December 1, 2015**  
**Reply Comment Deadline: December 31, 2015**

On September 2, 2015, the Commission released a *Notice of Proposed Rulemaking* in the above captioned proceeding that seeks comment on potential updates to the “totality of the circumstances test” for evaluating whether broadcast stations and multichannel video programming distributors (“MVPDs”) are negotiating for retransmission consent in good faith.<sup>1</sup> The *NPRM* seeks comment generally on the totality of the circumstances test, including whether and how the Commission should update that test. The *NPRM* also seeks comment on whether there are specific practices that the Commission should identify as evidencing bad faith under the totality of the circumstances test.

The Commission set deadlines for filing comments and reply comments at 60 and 90 days, respectively, after publication of the *NPRM* in the Federal Register.<sup>2</sup> A summary of the *NPRM* was published in the Federal Register on October 2, 2015.<sup>3</sup> Thus, comments must be submitted no later than December 1, 2015. Reply comments must be submitted no later than December 31, 2015. Commenters must follow the filing instructions provided in paragraph 24 of the *NPRM*.<sup>4</sup> The *NPRM* is also available on the Commission’s website.<sup>5</sup>

**People with Disabilities:** To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

<sup>1</sup> See *Implementation of Section 103 of the STELA Reauthorization Act of 2014, Totality of the Circumstances Test*, MB Docket No. 15-216, Notice of Proposed Rulemaking, FCC 15-109 (rel. Sept. 2, 2015) (“*NPRM*”).

<sup>2</sup> See *NPRM* at 1.

<sup>3</sup> See <https://www.federalregister.gov/articles/2015/10/02/2015-24843/implementation-of-section-103-of-the-stela-reauthorization-act-of-2014-totality-of-the-circumstances>.

<sup>4</sup> See *NPRM* at ¶ 24.

<sup>5</sup> See [https://apps.fcc.gov/edocs\\_public/attachmatch/FCC-15-109A1.doc](https://apps.fcc.gov/edocs_public/attachmatch/FCC-15-109A1.doc).

For further information about this proceeding, contact Diana Sokolow or Raelynn Remy, Policy Division, Media Bureau, 202-418-2120.

-FCC-